

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 97-81493

CHRISTOPHER GRISEL,

Defendant.

**OPINION AND ORDER GRANTING IN PART AND DENYING IN PART DEFENDANT
GRISEL'S JUNE 30, 2008 REQUEST FOR FINAL ORDER ON FORFEITURE AND
MOTION TO SUPPLEMENT THE RECORD AND DENYING DEFENDANT'S
JANUARY 29, 2008 MOTION TO SUPPLEMENT THE RECORD**

Before the court is Defendant Christopher Grisel's June 30, 2008 request for a final order on forfeiture and motion to supplement the record. In his motion, Defendant makes two requests. First, he asks that the court enter a final order of forfeiture so that the record can be completed and the appeal can proceed in the Sixth Circuit Court of Appeals. The Government concurs in this request, and the court will therefore enter its final order of forfeiture.¹

¹The court declines Defendant's implicit request to re-litigate the merits of the court's forfeiture rulings. The court allowed abundant opportunity to litigate this issue prior to issuance of its preliminary order of forfeiture. In its preliminary order of forfeiture, the court held that following the adjudication of any third-party interests the court would enter a final order of forfeiture. Defendant now seeks to revisit this ruling and debate the legitimacy of any forfeiture order. The court, however, views this stage as a purely procedural proceeding. The court previously determined the amount that would be forfeited if there were no successful claims. No claims have been filed, and the time for filing claims has passed. The court will therefore enter the final order of forfeiture, in the form provided by the Government, consistent with the court's preliminary order of forfeiture.

Second, Defendant asks that the court grant his January 29, 2008 motion and allow him to supplement the record with the appellate briefs and billing records of Defendant's counsel in the first appeal. Defendant provides no authority for this request, and the Government persuasively argues that this issue is best left for the circuit court to decide. The court will therefore deny Defendant's request to supplement the record.

IT IS ORDERED that Defendant's June 30, 2008 request for a final order on forfeiture and motion to supplement the record [Dkt. # 551] is GRANTED IN PART AND DENIED IN PART. It is GRANTED with respect to his request for a final order on forfeiture and DENIED with respect to his motion to supplement the record.

IT IS FURTHER ORDERED that Defendant's January 29, 2008 motion to supplement [Dkt. # 547] is DENIED.

A separate final order of forfeiture will issue.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: November 7, 2008

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, November 7, 2008, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522